

Application Serial No.: 10/032,035
Reply to Office Action dated July 28, 2004

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 12, 14, 16, 17, 21, 23, and 25-29 are presently active in this case, Claims 12, 14, 16, 17, and 23 having been amended and Claims 13, 15, 18-20, 22, and 24 having been canceled without prejudice or disclaimer by way of the present Amendment. No new matter has been entered.

In the outstanding Official Action, Claims 12 and 17 were rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al. (U.S. Patent No. 5,417,056), Vdoviak et al. (U.S. Patent No. 4,833,881), Cowan et al. (U.S. Patent No. 4,199,936), Sattinger et al. (U.S. Patent No. 6,530,221), and GB 2309296. Claims 12 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al., Vdoviak et al., Cowan et al., Sattinger et al., or GB 2309296 in view of either Napoli (U.S. Patent No. 5,279,127) or Desaulty et al. (U.S. Patent No. 5,590,531). Claims 12 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0971172 in view of any of Vdoviak et al., Johnson et al., and Desaulty et al. Claims 25, 27, and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cowan et al. in view of EP 1213539 and optionally JP 06-147485. Claims 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cowan et al. in view of EP 1213539 and optionally JP 06-147485 and further in view of JP 07-293276. For the reasons discussed below, the Applicants request the withdrawal of the art rejections.

Claim 12 of the present application advantageously recites a gas turbine combustor comprising a combustor wall including a first perforated plate, a second perforated plate, and

a back plate. The back plate is disposed outside the first perforated plate and the second perforated plate in a radial direction and spaced apart from the first perforated plate and the second perforated plate by a gap. The second perforated plate has cooling pipes embedded therein that are configured to receive cooling fluid.

The Applicants submit that Johnson et al., Vdoviak et al., Cowan et al., Sattinger et al., GB 2309296, Napoli, Desaulty et al., and EP 0971172 all fail to disclose a second perforated plate that has cooling pipes embedded therein that are configured to receive cooling fluid, as recited in Claim 12 of the present application. Accordingly, since these references, either when taken singularly or in combination, fail to teach or suggest a second perforated plate that has cooling pipes embedded therein that are configured to receive cooling fluid, the Applicants respectfully submit that the references do not anticipate or render obvious Claim 12. Thus, the Applicants respectfully request the withdrawal of the art rejections of independent Claim 12 and Claim 17, which depends therefrom.

Claims 25, 27, and 29 were rejected based upon a combination of Cowan et al. and EP 1213539 and optionally JP 06-147485. However, the Applicants note that the EP 1213539 reference was published on June 12, 2002, and the present application was filed in the United States on December 31, 2001. Therefore, the EP 1213539 reference is not prior art under 35 U.S.C. 102. Accordingly, the Applicants respectfully request the withdrawal of the obviousness rejection of independent Claim 25 and Claims 27-29, which depend therefrom.

The Applicants note that an application was filed in the United States on December 5, 2001, which claims priority to the same reference as the EP 1213539 reference. This application issued as U.S. Patent No. 6,640,544. The Applicants note that U.S. Patent No.

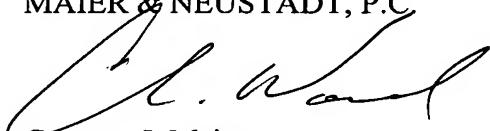
Application Serial No.: 10/032,035
Reply to Office Action dated July 28, 2004

6,640,544 is assigned on its face to Mitsubishi Heavy Industries, Ltd. and the present application is assigned to Mitsubishi Heavy Industries, Ltd. (See 35 U.S.C. 103(c).)

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
Attorney of Record

Christopher D. Ward
Registration No. 41,367

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/01)

GJM:CDW:brf
I:\atty\cdw\217662US3\am3.doc